

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

DANNY RAY BENNETT,

Plaintiff,

V.

**OFFICER A.B. SLAYTON
DELONG, *et al.*,**

Defendants.

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NO. 5:24-cv-00414-TES-AGH

ORDER OF DISMISSAL

Plaintiff Danny Ray Bennett, a prisoner in Macon State Prison in Oglethorpe, Georgia, filed a pro se civil rights complaint under 42 U.S.C. § 1983 in the Northern District of Georgia. ECF No. 1. Plaintiff also filed a “motion for partial summary judgment.” ECF No. 2. On consideration of Plaintiff’s filings, the Northern District transferred the case to this Court. ECF No. 3.

Thereafter, the United States Magistrate Judge ordered Plaintiff to pay the Court’s \$405.00 filing fee for a civil rights complaint or move for leave to proceed in this action *in forma pauperis*. ECF No. 6 at 1. Additionally, the Magistrate Judge ordered Plaintiff to recast his complaint on the proper form.¹ *Id.* at 2-3. The Magistrate Judge gave Plaintiff fourteen days to complete these actions and cautioned Plaintiff that his failure to do so could result in the Court dismissing this case. *Id.* at 4.

¹The Magistrate Judge also recommended that the Court deny Plaintiff’s pending motion for summary judgment. ECF No. 6 at 3. This Court subsequently adopted that recommendation. ECF No. 7.

More than fourteen days passed after the Magistrate Judge entered that order. In that time, Plaintiff did not pay the filing fee, move for leave to proceed *in forma pauperis*, file a recast complaint, or otherwise respond to the order for him to do so. Accordingly, the Magistrate Judge ordered Plaintiff to show cause why this Court should not dismiss this case based on Plaintiff's failure to take the required actions. The Magistrate Judge gave Plaintiff fourteen days to respond and cautioned Plaintiff that his failure to respond would likely result in the Court dismissing this case.

More than fourteen days have now passed since the Magistrate Judge entered the show cause order. Plaintiff has not responded to that order. Thus, because Plaintiff has failed to comply with the Court's orders or to otherwise prosecute his case, the Court now **DISMISSES** the complaint **WITHOUT PREJUDICE**. See Fed. R. Civ. P. 41(b); *Brown v Tallahassee Police Dep't*, 205 F. App'x 802, 802 (11th Cir. 2006) (per curiam) (first citing Fed. R. Civ. P. 41(b); and then citing *Lopez v. Aransas Cnty. Indep. Sch. Dist.*, 570 F.2d 541, 544 (5th Cir. 1978)) ("The [C]ourt may dismiss an action sua sponte under Rule 41(b) for failure to prosecute or failure to obey a court order.").

SO ORDERED, this 13th day of March, 2025.

Tilman E. Self, III
TILMAN E. SELF, III, JUDGE
UNITED STATES DISTRICT COURT